

THIRTEENTH DAY

(Monday, January 30, 1939)

The House met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Gordon, Mrs.
Allen	Hale
Allison	Hamilton
Alsup	Hankamer
Anderson	Hardeman
Bailey	Hardin
Baker	Harp
of Fort Bend	Harper
Baker of Grayson	Harrell of Bastrop
Bell	Harrell of Lamar
Blankenship	Harris
Bond	Hartzog
Boyd	Heflin
Boyer	Holland
Bradbury	Howington
Bradford	Hull
Bray	Hunt
Bridgers	Isaacks
Broadfoot	Johnson of Ellis
Brown of Cherokee	Johnson of Tarrant
Brown	Keith
of Nacogdoches	Kennedy
Bundy	Kern
Burkett	Kerr
Burney	Kersey
Cauthorn	Kinard
Celaya	King
Chambers	Langdon
Clark	Lehman
Cleveland	Leonard
Cockrell	Leyendecker
Coleman	Little
Colquitt	Lock
Colson, Mrs.	Loggins
Cornett	London
Corry	Mays
Crossley	McAlister
Daniel	McDaniel
Davis of Jasper	McDonald
Davis of Upshur	McFarland
Dean	McMurry
Dickison	McNamara
Dickson	Mohrmann
Donaghey	Monkhouse
Dowell	Montgomery
Dwyer	Morris
Faulkner	Newell
Felty	Nicholson
Ferguson	Oliver
Fielden	Olsen
Fuchs	Pace
Galbreath	Petsch
Gilmer	Pevehouse
Goodman	Piner

Ragsdale	Talbert
Reader of Bexar	Tarwater
Reader of Erath	Taylor
Reaves	Tennant
Reed	Thornberry
Rhodes	Thornton
Roach	Turner
Roberts	Vale
Robinson	Vint
Russell	Voigt
Schuenemann	Waggoner
Segrist	Weldon
Shell	Wells
Skiles	Westbrook
Smith of Frio	White
Smith of Hopkins	Wilson
Smith	Winfree
of Matagorda	Wood
Spencer	Worley
Stinson	Wright
Stoll	

Absent—Excused

Derden	Pope
Howard	Riviere

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, we praise Thee this morning for Thy material and spiritual blessings upon us. Thy kind providence and Thy word bring us to Thee with the same needs and the same desires that are always with us. In our weakness be our strength, and choose our ways before Thee. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Derden for today, on motion of Mr. Skiles.

Mr. Riviere for today, on motion of Mr. Voigt.

Mr. Howard for today, on motion of Mr. Smith of Hopkins.

The following Member was granted leave of absence on account of illness:

Mr. Pope for today, on motion of Mr. Boyd.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Loggins:

H. B. No. 312, A bill to be entitled "An Act relating to the practice of

naturopathy; creating a Board of Naturopathic Examiners; prescribing the duties and authority of said Board; regulating the practice of naturopathy; defining certain terms used in the bill; providing for enforcement of this Act, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Wright:

H. B. No. 313, A bill to be entitled "An Act granting aid to San Jacinto, Trinity, Newton, Houston, Angelina, Sabine, San Augustine, Jasper, Tyler, Walker and Shelby Counties, Texas, made necessary by reason of the fact that the Federal Government has purchased in said counties practically fifty per cent (50%) of the land in said counties, thereby taking off the tax rolls so much valuation that said counties cannot operate a county government, and has caused great destruction to the roads and other improvements in said counties, remitting, releasing, granting, and donating to said counties all State ad valorem taxes levied or to be levied on property in said counties including the rolling stock of railroads for the years 1939-1940, both inclusive; providing that all grants, remissions, and donations shall apply to taxes collected for State General Revenue purposes only; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Chambers:

H. B. No. 314, A bill to be entitled "An Act amending Senate Bill No. 355, same being Chapter 338 of the Acts of the Regular Session of the Forty-fourth Legislature as amended by Senate Bill No. 309, the same being Chapter 341 of the Acts of the Forty-fifth Legislature; creating a Central Colorado River Authority by adding a new Section, giving the directors of said Authority the right to enter into contracts with the Governing Boards of other governmental agencies for the purpose of supervising construction and other operations of said agencies, limiting charges, liabilities and damages in connection therewith, providing for the donation and granting of the State of Texas to the Dis-

trict of one-half of all annual State ad valorem taxes collected in Coleman County for a period of 20 years, beginning September 1, 1939, describing the manner and method of collecting said taxes and the method of payment to the District; providing that said taxes may be used for the payment and retirement of interest and sinking fund upon bonds issued for the development of the District; providing that if any provisions of this Act shall be held invalid, the validity of the other provisions thereof shall not be affected; providing that this Act may be cited as an amendment to the Central Colorado River Authority Act, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Harper and Mr. Winfree:

H. B. No. 315, A bill to be entitled "An Act making an appropriation to the State Health Department to be used for the purpose of assisting in the eradication of venereal diseases in the State on a cooperative basis with cities and counties and for carrying out venereal control programs, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Gilmer:

H. B. No. 316, A bill to be entitled "An Act validating the organization of Water Control and Improvement Districts and validating all acts of the officials in creating such Districts; and validating all bonds issued and all bonds voted but not yet issued by such Districts; validating all acts of the officials of said District, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Russell:

H. B. No. 317, A bill to be entitled "An Act authorizing the admission in evidence in civil cases of the record or agreed statements of the testimony given at former trials of witnesses who fail to appear at subsequent trials and providing that the absence of such witness shall not be grounds for continuance; and for the transcribing and certifying of the record and expense of same, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Brown of Nacogdoches:

H. B. No. 318, A bill to be entitled "An Act making an appropriation of Twenty Thousand Dollars (\$20,000), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, for the Stephen F. Austin Teachers College, at Nacogdoches for the remainder of the fiscal year ending August 31, 1939, for the purpose of paying for certain improvements, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Allison:

H. B. No. 319, A bill to be entitled "An Act prohibiting parties from stipulating in any contract for any rate of interest greater than 6% per annum on the amount of the contract; providing a penalty, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Allison:

H. B. No. 320, A bill to be entitled "An Act to amend Article 5071, Title 79, of the Revised Civil Statutes of the State of Texas, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Thornton and Mr. Robinson:

H. B. No. 321, A bill to be entitled "An Act amending Article 5139 of the Revised Civil Statutes of Texas (1925) by adding a new Article to be known as Article 5139A providing for the establishment of a Juvenile Board in counties having a population of sixty-four thousand (64,000) inhabitants and not more than sixty-five thousand (65,000) inhabitants, according to the last preceding Federal Census, providing for the compensation of the Members of said Board, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Mays:

H. B. No. 322, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue Fund of the State of Texas for the Livestock Sanitary Commission for an additional support and maintenance of the Livestock Sanitary Commission for the balance of

the fiscal year ending August 31, 1939, to cover the office expenses, traveling expenses, indemnity bangs reactor to cattle and goat owners. Of law enforcement, salaries of Inspectors providing for the regulations for which appropriations shall be expended and under which such Inspectors shall be employed, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Petsch:

H. B. No. 323, A bill to be entitled "An Act authorizing District and County Judges to suspend imposing of sentences, to reimpose sentences and to place a defendant on probation, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Derden:

H. B. No. 324, A bill to be entitled "An Act validating all proceedings, notices and orders directed toward the establishment and creation of Falls County Road District No. 5; validating any orders and proceedings directed toward the issuance of bonds, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Derden:

H. B. No. 325, A bill to be entitled "An Act validating all proceedings, notices and orders directed toward the establishment and creation of Falls County Road District No. 15; validating any orders and proceedings directed toward the issuance of bonds, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Stinson:

H. B. No. 326, A bill to be entitled "An Act ratifying, confirming, and validating all acts and orders, and attempted acts and orders, of County School Trustees, Boards of County School Trustees, County Boards of Trustees, County Boards of School Trustees, Commissioners' Courts, Boards of Trustees of Common, Independent and County Line School Districts, and all elections and attempted elections of Common, Independent, and County Line School Districts, relating to the laying out, establishment, combining, abolishing, changing

of boundaries, detaching territory from, or annexing territory to, any such school district, except where contests of same may be pending at the time this Act becomes effective, and except where contests of same may be brought within six (6) months after this Act becomes effective, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Stinson, Mr. Dickison, Mr. Wells, Mr. Kern, Mr. White, Mr. McDonald, Mr. McDaniel, Mr. Segrist, Mr. Colquitt and Mr. Reed:

H. B. No. 327, A bill to be entitled "An Act to amend Section 2, Chapter 162, Acts of the Forty-third Legislature, Regular Session; as amended by Section 1, Chapter 12, Acts of the First Called Session of the Forty-third Legislature; as amended by the Acts of the Third Called Session of the Forty-fourth Legislature, Article IV, Section 4, Subsection (7) of Chapter 495, page 2073, allocating the occupation taxes levied and collected on oil produced within this State, repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Cauthorn:

H. B. No. 328, A bill to be entitled "An Act making an emergency appropriation to the Sul Ross State Teachers College, designating the purpose for which said funds are to be used, providing that said funds are to be available immediately, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Winfree:

H. B. No. 329, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare with reference to authorizing local Milk Industry Boards and authorizing the setting up of a code, codes or agreements; defining certain terms used in the bill; providing for the application to the Commissioner of Agriculture by groups engaged in the milk industry in any county, for the setting up of a code, codes or agreements; authorizing local Milk Industry Boards in said counties after hearing to set up and promul-

gate a code, codes or agreements for fair competition for the milk industry; authorizing said Board to impose such conditions as are necessary to make the codes effective and to establish rules and regulations for their conduct; providing penalties for violation of such codes; providing jurisdiction for District Courts affecting the operation of the codes; directing County and District Attorneys to bring actions to enforce this Act; providing for the amending, modification or change of codes set up under this Act; providing for the publication by said Board of codes; authorizing the said Board to suspend or revoke certificates of authority; providing a penalty for violation of the Act; providing a fee for the certificates of authority and making provision for funds for the administration of this Act; making an appropriation of such funds for the enforcement of the Act; providing that if any section or provision of the Act should be declared unconstitutional such decision shall not affect other provisions or portions of this Act, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Johnson of Ellis:

H. B. No. 330, A bill to be entitled "An Act to regulate the occupation of hairdressers and cosmetologists, to create a State Board of Examiners for the licensing of persons to carry on and to teach such practices to insure the better training and education of such practitioners and instructors; to provide rules regulating the proper conduct and sanitation of hairdressers and beauty culture establishments and schools; to provide penalties for the violation thereof; providing for the levy and collection of taxes and charges thereunder and to make an appropriation, providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency and providing that this Act shall repeal and supersede House Bill No. 189 of the Regular Session of the Forty-fourth Legislature and House Bill No. 127 of the Second Called Session of the Forty-fourth Legislature of the State of Texas."

Referred to the Committee on Public Health.

By Mr. Bond, Mr. Wright, Mr. McNamara, Mr. Rhodes, Mr. Fuchs and Mr. Wood:

H. B. No. 331, A bill to be entitled "An Act to define, regulate, license and tax itinerant merchants by motor vehicle and the business conducted by them; to appropriate revenues derived from license fees and taxes; to provide for the administration and enforcement of this Act by the Railroad Commission of the State of Texas, and the grounds upon which the Railroad Commission of Texas can refuse to issue, or can revoke, a license; to require itinerant merchants to obtain and carry motor vehicle liability and property damage insurance; to require itinerant merchants to provide integrity bonds to protect the public against fraud; to require itinerant merchants to provide bonds for the payment of taxes and license fee; to provide for the appointment of the Railroad Commission of the State of Texas as the agent of itinerant merchants and their sureties for the service of process on them or either of them in this State; to provide for the service of process on such agent; to provide criminal penalties and civil liabilities for violation hereof, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Rhodes, Mr. Wood, Mr. Lehman, Mr. Reed, Mr. Weldon, Mr. Wright, Mr. Hardin, Mr. Roach, Mr. Hankamer, Mr. Morris, Mr. Pevehouse, Mr. Dickson, Mr. Hamilton, Mr. Turner, Mr. Harper, Mr. Fuchs, Mr. Russell, Mr. Bond and Mr. Fielden:

H. B. No. 332, A bill to be entitled "An Act levying a mileage tax upon motor vehicles, operated upon, over, along or across the public highways of this State transporting either passengers or freight; levying a mileage tax upon non-residents operating motor vehicles upon the highways of this State transporting either passengers or freight who desire to make only occasional or special trips into the State, and providing for the issuance of special permits for said purpose; providing for certain exceptions to the provisions of the Act; providing that any person operating motor vehicles upon, along, on, over or across any public highways in this State shall have a permit from the

Railroad Commission of Texas, and requiring the Railroad Commission of Texas to notify the Comptroller of the State of the issuance of all permits; providing for the allocation of the funds derived from this Act to counties and incorporated cities and towns of this State, and providing how said fund shall be used by said counties, cities and towns; setting aside certain percentage of the funds derived from this Act for the enforcement thereof; providing for the keeping of records by persons operating over the highways of this State including those operating under special trip permits; providing for the collection of said taxes and penalties for the failure to pay same; providing for refunds under certain conditions; providing for resort to the courts by operators of motor vehicles over the highways of the State who may be aggrieved by the enforcement of this Act; providing that the tax imposed hereunder shall constitute a lien upon the property used by the persons operating over the highways of this State; providing that the Comptroller shall issue warrants to the sheriff and constables of this State commanding him to levy upon the property of operators who fail to pay taxes imposed hereunder for the purpose of collecting same; providing penalties for violation hereof, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. McFarland, Mr. Donaghey and Mr. Bundy:

H. B. No. 333, A bill to be entitled "An Act amending Article 875, Title 13, Chapter 6 of the Penal Code of the State of Texas of 1925, to include in the unprotected list certain birds not now included, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Tennant and Mr. Wood:

H. B. No. 334, A bill to be entitled "An Act relating to the safety of design and construction of the alteration of or addition to the electric wiring and/or the plumbing and/or the heating system of any public school building and/or public hospital building, irrespective of cost, and the safety of design and construction of public school buildings and public hospital

buildings or, if the estimated cost exceed Three Thousand (\$3,000.00) Dollars, the safety of design and construction of any reconstruction or alteration of or addition to any public school building or hospital building; providing for supervision of such construction, reconstruction, alteration or addition to any public school building or public hospital building, by the State Board of Registration for Professional Engineers; defining the terms used; defining the duties of the State Board of Registration for Professional Engineers, school authorities and hospital authorities relative to this Act and requiring that plans and specifications for certain classified alterations of or additions to any public school building and/or any public hospital building, or for construction of any new public school building or hospital building or, if the cost exceed Three Thousand (\$3,000.00) Dollars any reconstruction, alteration of or addition to any public school building and/or public hospital building be submitted to the State Board of Registration for Professional Engineers for their approval or rejection prior to making any contract or contracts for or beginning any construction thereof, authorizing and directing that fees shall be paid to the State Board of Registration and requiring plans and specifications for buildings or additions or alterations thereto affected by this Act to be prepared in accordance with the State Acts regulating the practice of architecture and/or 'professional engineering'; prescribing the fees to be paid to the Board and providing for the disposition of such fees; providing that the Professional Engineers Fund is hereby made available for use of the Board in carrying out provisions of this Act; providing that no contract made or executed by the District Board of Trustees or any person or persons for construction, reconstruction, alteration of or addition to any public school building or public hospital building shall be valid unless such plans and specifications comply with provisions of this Act and applicable requirements therefor prescribed by the Board; requiring that the architect or engineer in charge of the work and the inspector on the work and the contractor shall make duly verified reports periodically showing that the work during the

period covered by the report has been performed and that materials used and installed in every particular is in accordance with and in conformity to duly approved plans and specifications; defining the phrase 'personal knowledge' as used herein and requiring that all progress reports required by this Act must be made on forms furnished by the Board and verified without qualification; granting the Board full power and authority to make inspection and designating to the Board the duty of making such inspection of such school buildings and hospital buildings and of such construction, reconstruction, alteration or addition as in its judgment may be necessary or proper for the enforcement of provisions of this Act and the protection of safety of pupils, teachers, patients and the public and requiring that the school district, or other organization or person within the jurisdiction of which any school building or hospital building is constructed, reconstructed, altered or added to, must provide for and require competent, adequate and continuous inspection during construction by an inspector satisfactory to the architect and/or the engineer and under direction of the architect and/or the engineer, for any and all such buildings and for any and all such work of construction, reconstruction, alteration or additions; providing that upon request of the Board of Trustees or ten (10) per cent of the parents having pupils enrolled in said district, the Board shall make examination and report on the safety features of any public school building subject to payment of actual expenses incurred by said Board; providing that upon request of certain authorities, the Board shall make inspection and report upon the safety features of any public hospital building, subject to payment of actual expenses incurred by said Board; granting full authority to the Board to make all such rules and regulations as, to it, may seem necessary, proper or suitable effectually to carry out the provisions of this Act; providing for the formulation and approval of rules and regulations relating to the safety of design and construction of school buildings and hospital buildings by the Board and outlining the personnel of the membership of the Advisory Committee who will assist in formulating

such rules; etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Mays:

H. B. No. 335, A bill to be entitled "An Act providing a production tax of Six (6c) Cents per one thousand (1,000) cubic feet on natural gas, providing for one-fourth ($\frac{1}{4}$) of the receipts of said tax to go into the Public School Fund to be allocated to rural aid and teachers retirement, providing three-fourths ($\frac{3}{4}$) of said receipts shall go into the Social Security Fund to be allocated to the blind, dependent children, tubercular control, syphilis control and old age assistance; providing for the Board of Control and Old Age Assistance Commission to administer this Act; providing a saving clause, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Leonard, Mr. Vale, Mr. Celaya, Mr. Hankamer and Mr. Goodman:

H. B. No. 336, A bill to be entitled "An Act making an emergency appropriation to supplement an appropriation made by the Regular Session of the Forty-fifth Legislature for the fiscal year ending August 31, 1939, found on page 1368, Acts of the Regular Session of the Forty-fifth Legislature; said appropriation is to pay the salaries and other expenses of the inspection work incident to the eradication of the Pink Bollworm, under the provisions of Chapter 3, Title 4, Revised Civil Statutes of Texas, 1939, known as the Pink Bollworm Law, and amendments thereto, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Robinson, Mr. Smith of Frio and Mr. Thornton:

H. B. No. 337, A bill to be entitled "An Act prohibiting escapes from any jail and providing a penalty, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Lock:

H. B. No. 338, A bill to be entitled "An Act to require all purchasers of

trees and timber, or either of them, in the form of logs, staves, shingles, pulp wood, or any of them to obtain a bill of sale therefor from the seller, providing what shall be contained in such bill of sale; providing penalties for violation of this Act, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Harrell of Bastrop:

H. B. No. 339, A bill to be entitled "An Act providing for a closed season on deer and wild turkey in Bastrop County for a period of five years; providing a suitable penalty for violation of this Act; repealing all conflicting laws, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Morris, Mr. Keith, Mr. Thornberry, Mr. Holland, Mr. Brown of Nacogdoches, Mr. Wells, Mr. Turner, Mr. Baker of Grayson, Mr. Ferguson, Mr. Weldon, Mr. Skiles, Mr. Brown of Cherokee, Mr. Russell, Mr. Kersey, Mr. London, Mr. Bell, Mr. Harp, Mr. Mays, Mr. Dowell, Mr. Cornett, Mr. Burney, Mr. Allen, Mr. Roberts, Mr. Kern, Mr. Kennedy, Mr. Spencer, Mr. Stoll, Mr. Newell, Mr. Boyd, Mr. Waggoner, Mr. Langdon, Mr. Kerr, Mr. King, Mr. Davis of Jasper, Mr. Hale, Mr. Piner, Mr. Cleveland, Mr. Hamilton, Mr. Mohrmann, Mr. Coleman, Mr. Reader of Erath, Mr. Roach and Mr. Davis of Upshur:

H. B. No. 340, A bill to be entitled "An Act declaring the purpose of this enactment; providing for payment of old age assistance benefits; fixing qualifications of those entitled to receive old age assistance; defining the term 'needy person' and other words and terms used in this Act; fixing amount of assistance to be granted by the State; providing for preparation and execution of applications for assistance and supporting affidavits; creating Texas Old Age Commission, and providing for membership of such Commission; requiring the Commission to secure information showing income of applicants, and requiring statements by recipients of old age assistance of income, and providing for reviews and adjustments of assistance; providing manner of handling applications for assistance; providing denial of assist-

ance and striking names of recipients of assistance from rolls where false statements are made or procured; designating offices to be maintained by the Commission and discontinuing certain offices, and providing for disposition of records, supplies and equipment in present offices; designating each County Judge as agent of the Commission, defining his duties and fixing his compensation and appropriating One Hundred and Fifty Thousand (\$150,000.00) Dollars out of Old Age Assistance Fund for each of two (2) years immediately following effective date of this Act; providing State Board of Control shall constitute the Texas Old Age Assistance Commission and fixing the duties and compensation of the Members of such Commission, and providing for payment of necessary expenses of said Commission; providing for appointment of an Executive Director of the Commission and fixing his qualifications, duties and salary; providing for the selection and discharge of clerical forces and fixing their salaries; authorizing the Commission to require bonds from employees and providing for payment of premiums on such bonds; appropriating out of the funds of Texas Old Age Assistance Commission One Hundred and Fifty Thousand (\$150,000.00) Dollars for first year, and One Hundred Thousand (\$100,000.00) Dollars for the following year for maintenance and operating costs of said Commission, and providing for reduction of personnel to prevent deficit; providing method of handling applications for assistance benefits and providing for hearings and appeals; providing for investigations of applicants and for preservations of orders of the Commission and for filing such orders with Speaker of the House and Lieutenant Governor in the Senate; providing method to be followed by the Commission in administering this Act, and for the transfer of funds, property and records to the Commission; fixing status of obligations of Old Age Assistance Commission; providing assistance grants shall be inalienable and fixing status of such grants; authorizing acceptance of gifts by the Commission, and fixing conditions of such gifts; providing method of payment of benefits under this Act; requiring the Commission to file list of names of beneficiaries and amounts paid in County

Clerk's office; fixing status of grants of assistance received from the Federal Government; making assistance granted subject to provisions of amendments to this Act; requiring reports to Commission of conviction of recipient of benefits of offenses and authorizing withholding of benefits under certain conditions; fixing compensation of persons assisting applicants for benefits, making it unlawful to charge in excess thereof and fixing penalties for violation thereof; establishing the Texas Old Age Assistance Fund and providing for appropriations therefrom to meet existing and accruing obligations of the Commission; limiting certain appropriations and authorizing the Commission to accept certain funds appropriated to the State for administrative expenses by the Federal Government; fixing the maximum amount of old age assistance that may be paid; declaring unlawful misappropriations of all Texas Old Age Assistance Funds and providing a criminal penalty therefor; designating this Act as "Texas Old Age Assistance Act;" etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Hardeman, Mr. Reaves and Mr. Chambers:

H. B. No. 341, A bill to be entitled "An Act relating to the time of holding court in the several counties constituting the 51st Judicial District of Texas, composed of the counties of Tom Green, Irion, Schleicher, Coke and Sterling, fixing the terms for holding court in each county; amending Chapter 367, Acts of the Regular Session of the Forty-second Legislature, 1931; relating to the time of holding court in the several counties constituting the 119th Judicial District of Texas, composed of the counties of Coleman, Concho, Runnels and Tom Green, fixing the terms for holding court in each county; amending Chapter 349, Acts of the Regular Session of the Forty-fifth Legislature, 1937; repealing all laws in conflict therewith, and declaring an emergency."

Referred to the Committee on Judicial Districts.

By Mr. Hardeman:

H. B. No. 342, A bill to be entitled "An Act to amend Article 2190 of the

Revised Civil Statutes of Texas, 1925, with respect to the submission of cases upon special issues; provided that each party shall present in writing to the court before submission the theory or theories of recovery or defense which he desires to have submitted; that any theory of recovery or defense not so requested shall be deemed to be waived; that it shall be the duty of the court to prepare and submit all issues and elements of recovery or defense that have been thus suggested that are made by the pleadings and the evidence; that a failure to submit an element or issue of any cause or defense or theory or cause of defense thus submitted, shall not be deemed ground for reversal of the judgment, unless its submission has been requested in writing by the party complaining of the judgment; providing that on appeal such an issue not submitted and not requested is deemed as found by the court in such manner as to support the judgment, if there is evidence to sustain such finding; repealing all laws and parts of laws in conflict, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Anderson:

H. B. No. 343, A bill to be entitled "An Act to amend Article 2965, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, as amended by Acts of the Forty-first Legislature, 1929, page 248, Chapter 109, Section 2, as amended by the Acts of the Forty-first Legislature, 1929, First Called Session, page 111, Chapter 51, Section 2, providing for form of receipt for payment of poll tax; amending Article 2970, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, prescribing the number of poll tax books to be issued, the time of such issue, the character of books furnished, providing for duplicate copies of said books, prescribing the data to be placed in said books, providing for the manner of delivery of certificates from said books; amending Article 2975, Title 50, Chapter 5, of the Revised Civil Statutes of Texas, of 1925, prescribing and making it the duty of the tax collector to tabulate a list of voters, prescribing the time such duty shall be performed, prescribing the number of such lists and the mode and manner of issuing the same, prescrib-

ing for description of voter, his residence, his voting precinct, and the list of his residence in the State and county, prescribing the form of such lists; defining offenses for violation of said Act and prescribing punishment therefor, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Taylor, Mr. Hankamer, Mr. Allison, Mr. Broadfoot and Mr. Pevehouse:

H. B. No. 344, A bill to be entitled "An Act defining publication, newspaper, political sub-division, district and certain mandatory expressions; designating persons to select newspapers in which publications are to be inserted; fixing a minimum and a maximum charge for publications in newspapers; providing for the publication of notices, proclamations, advertising, and citations in newspapers; repealing conflicting provisions of Articles 3, 29, 1154, 3311, 3334, 3808, 4204, 7206, 7276, 7342 and 7624 of the Revised Civil Statutes of Article 4115 of the Revised Civil Statutes as amended by Acts of 1935, Forty-fourth Legislature, Chapter 254, Section 1, of Acts of 1925, Thirty-ninth Legislature, Chapter 161, Sections 2 through 6, of Acts of 1933, Forty-third Legislature, First Called Session, Chapter 84, Section 1, and of Acts of 1937, Forty-fifth Legislature, Chapter 506; repealing all parts of laws in conflict; providing a rule of construction, and declaring an emergency."

Referred to the Committee on State Affairs.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House Joint Resolutions, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Alsup, Mr. Kern, Mr. Bond and Mr. Smith of Hopkins:

H. J. R. No. 17, House Joint Resolution, Proposing amendments to Section 20, Article V, and Section 44, of Article XVI, of the Constitution of Texas, combining the offices of County Clerk and County Treasurer; providing the time and manner thereof; providing for its submission

to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor.

Referred to the Committee on Constitutional Amendments.

By Mr. Isaacks:

H. J. R. No. 18, House Joint Resolution, Proposing an amendment to the Constitution of Texas, to be known as Section 30b of Article 16, providing that the constitutional limitation of two years placed on the duration of office shall not apply to appointive offices coming under the provisions of Civil Service.

Referred to Committee on Constitutional Amendments.

By Mr. Cornett:

H. J. R. No. 19, House Joint Resolution, Proposing an amendment to the Constitution of the State of Texas relating to the legislative authority thereof by amending Section 1 of Article 3 so as to provide a single chamber Legislature; by amending Section 2 of Article 3 so as to provide the number of legislators who shall become Members of said single chamber; providing that the Members of the legislature shall consist of two Members for each Senatorial District in Texas as now apportioned, and as may hereafter be apportioned, providing the term of office for such legislators; by amending Section 5 of Article 3 providing for the terms of the legislature and the manner in which such body may be assembled; by amending Section 7 of Article 3 of the Constitution providing for the qualification of those to be elected to the Legislature; by amending Section 9 of Article 3 providing for the election of a President Pro Tempore and for the selection of committees to consider bills and providing for the election of other officers; by amending Section 24 of Article 3 providing for the compensation of legislators, expenses to be paid incurred by them, and placing restrictions upon the Members during their term of office; by amending Section 32 of Article 3 providing that no law shall be passed except by bill, providing for the days on which it shall be read, and providing for suspension of rule in case of imperative public necessity; by amending Section 40 of Article 3 providing for the character of legislation upon which the Membership may act, and fixing the process of legislation;

and providing the time in which a bill defeated may be reintroduced; by adding a new Section to the Constitution providing for the correction of bills before final passage; by amending Section 16 of Article 4 providing for the election of a Lieutenant Governor, fixing the term of such office and the qualifications for the same, providing the manner in which he shall be elected, and designating the powers of such office; by amending Section 17 of Article 4 providing the manner in which the office of Governor and Lieutenant Governor shall be filled in case of death, resignation, inability or refusal to serve of those holding such offices and providing the compensation for the Lieutenant Governor while acting as such and for the compensation of the Lieutenant Governor while acting as Governor; by amending Section 18 of Article 4 providing the restrictions and inhibitions imposed on the Lieutenant Governor or Speaker of the Legislature when either of them succeed to the office of Governor, and the restrictions and inhibitions imposed on the Lieutenant Governor, while serving as Lieutenant Governor; providing for the submission of the amendment to a vote of the electorate of Texas and fixing the date upon which such vote shall be cast; and making an appropriation for the expense of such election.

Referred to the Committee on Constitutional Amendments.

By Mr. McAlister and Mr. Hull:

H. J. R. No. 20, A Joint Resolution, Proposing an amendment to the Constitution of the State of Texas to be known as Section 30b of Article 16, providing that the provisions of Article 16, Section 30 of the Texas Constitution limiting the duration of all offices not fixed by the Constitution to two years, shall not apply to appointive offices of any municipalities that are placed under the terms and provisions of Civil Service but the duration of such offices shall be governed by the provisions of the Civil Service Law applicable thereto. Providing for an election on the question of adoption or rejection of such amendment, making an appropriation therefor, providing for the proclamation and publication thereof, prescribing the form of ballot.

Referred to the Committee on Constitutional Amendments.

MESSAGE FROM THE SENATE

Austin, Texas, January 30, 1939.
Hon. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 76, A bill to be entitled "An Act of the Legislature of the State of Texas making it unlawful to transport minnows beyond the limits of Williamson County that are taken from any water in Williamson County for the purpose of barter and sale and fixing the penalty, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

PARLIAMENTARIAN APPOINTED

The Speaker announced the appointment of Mrs. R. E. Waltrip as Parliamentarian.

REQUESTING CERTAIN INFORMATION OF THE ATTORNEY GENERAL'S DEPARTMENT

Mr. Allison offered the following resolution:

H. S. R. No. 101, Requesting certain information of the Attorney General's Department.

Whereas, Recent press dispatches carry the proposal of some New York financiers to acquire one million (1,000,000) acres of land in the Panhandle of Texas for the purpose of locating some fifty thousand (50,000) penniless, homeless refugees from European dictatorships; and

Whereas, Though Texans feel a keen sense of sympathy for the unfortunate and persecuted people; yet now within our State we have literally thousands of landless, homeless, penniless and unemployed citizens whose principal source of income is public relief insufficient to meet the needs of these Texas citizens who have been driven from the farms to the cities by foreclosures, ejections and the money barons of Wall Street; and

Whereas, The sudden entry of this large number of unfortunate and destitute people would add to unemployment and create a crisis in the present inadequate relief situation; and

Whereas, These aliens being ineligible for Federal relief, unemploy-

ment compensation and old age assistance and there being no State relief funds, the whole burden would fall on the county or counties in which they may be located; and

Whereas, Title 5, Revised Civil Statutes, prohibits aliens from acquiring any interest, right or title either legal or equitable in or to any lands in the State of Texas, with certain enumerated exceptions; therefore, be it

Resolved, That the Speaker of the House be authorized and directed to officially inquire of the Attorney General if our present laws are sufficient to prevent the wholesale acquisition of these lands in our State by or for the use of these refugees; and, if the Attorney General shall find that the present laws are insufficient, then to draw and furnish the House of Representatives a bill which will enable Texas to adequately cope with the situation.

ALLISON,
KINARD.

The resolution was read second time.

Mr. Boyer moved that the resolution be referred to the Committee on Federal Relations.

Mr. Goodman moved to table the motion to refer.

The motion to table was lost.

Question then recurring on the motion to refer the resolution to the Committee on Federal Relations, it prevailed.

(Mr. Leonard in the Chair.)

INVITING NATHAN STRAUS TO ADDRESS THE LEGISLATURE

Mr. Boyd offered the following resolution:

H. C. R. No. 26, Inviting Nathan Straus to address the Legislature.

Whereas, The Honorable Nathan Straus, United States Housing Administrator, will be in the City of Austin on March 3, 1939; and

Whereas, The Honorable Nathan Straus is deeply interested in and has aided in the establishing of slum clearance projects in the cities of the State of Texas; and

Whereas, He is one of the outstanding business men of the Nation, and he has served in his present position at a great financial sacrifice; and

Whereas, Mr. Straus has been invited to address the Legislature of

each State in which he has visited; be it therefore

Resolved by the House of Representatives, the Senate concurring, That Mr. Straus be invited to address a Joint Session of the State Legislature on March 3 at a time arranged by the Speaker of the House and President of the Senate, so as not to conflict with important business of the Legislature.

BOYD,
THORNBERRY.

The resolution was read second time, and was adopted.

ADDITIONAL SIGNER OF HOUSE BILL NO. 321

By unanimous consent of the House, Mr. Robinson was authorized to sign House Bill No. 321, as co-author of same.

HOUSE BILL NO. 233 ON THIRD READING

Mr. Allison moved that all necessary House Rules be suspended, at this time, for the purpose of taking up, and considering on third reading and final passage, House Bill No. 233.

The motion prevailed by the following vote:

Yeas—134

Allison	Cornett
Alsup	Corry
Anderson	Crossley
Bailey	Daniel
Baker	Davis of Upshur
of Fort Bend	Dickison
Baker of Grayson	Donaghey
Bell	Dowell
Blankenship	Dwyer
Bond	Faulkner
Boyd	Felty
Boyer	Ferguson
Bradbury	Fielden
Bradford	Fuchs
Bray	Galbreath
Bridgers	Gilmer
Broadfoot	Goodman
Brown of Cherokee	Gordon, Mrs.
Brown	Hale
of Nacogdoches	Hamilton
Bundy	Hankamer
Burkett	Hardeman
Burney	Hardin
Celaya	Harp
Clark	Harper
Cockrell	Harrell of Bastrop
Coleman	Harrell of Lamar
Colquitt	Harris
Colson, Mrs.	Hartzog

Heflin	Ragsdale
Holland	Reader of Bexar
Howington	Reader of Erath
Hull	Reaves
Hunt	Reed
Isaacks	Rhodes
Johnson of Ellis	Roach
Johnson of Tarrant	Robinson
Keith	Russell
Kennedy	Schuenemann
Kern	Segrist
Kerr	Shell
Kersey	Skiles
Kinard	Smith of Frio
King	Smith of Hopkins
Langdon	Smith
Lehman	of Matagorda
Leyendecker	Spencer
Little	Stinson
Lock	Stoll
London	Talbert
Mays	Tarwater
McAlister	Taylor
McDaniel	Tennant
McDonald	Thornberry
McFarland	Thornton
McMurry	Turner
McNamara	Vale
Mohrmann	Vint
Monkhouse	Voigt
Montgomery	Waggoner
Morris	Weldon
Newell	Wells
Nicholson	Westbrook
Oliver	White
Olsen	Wilson
Pace	Winfree
Petsch	Worley
Pevehouse	Wright
Piner	

Nays—4

Allen	Roberts
Cauthorn	Wood

Absent

Chambers	Dean
Cleveland	Dickson
Davis of Jasper	Loggins

Absent—Excused

Derden	Pope
Howard	Riviere

The Chair then laid before the House, on its third reading and final passage,

H. B. No. 233, A bill to be entitled "An Act to validate the establishment of independent school districts in counties having not less than ten thousand (10,000) nor more than twenty thousand (20,000) population, according to the last preceding Fed-

eral Census, as established by the act of the County Boards of School Trustees of such counties, and ratifying and confirming said act of such Boards, and declaring an emergency."

The bill was read third time.

Mr. Allison offered the following amendment to the bill:

Amend House Bill No. 233, by inserting the words and figures "thirteen thousand five hundred (13,500)" in lieu of the words and figures "ten thousand (10,000)"; and, by inserting the words and figures "fifteen thousand five hundred (15,500)" in lieu of words and figures "twenty thousand (20,000)"; and, by amending the caption to conform to the body of the bill.

The amendment was adopted.

House Bill No. 233 was then passed by the following vote:

Yeas—136

Allen	Dowell
Allison	Dwyer
Alsup	Faulkner
Anderson	Felty
Bailey	Ferguson
Baker	Fielden
of Fort Bend	Fuchs
Baker of Grayson	Galbreath
Bell	Gilmer
Blankenship	Goodman
Bond	Gordon, Mrs.
Boyd	Hale
Boyer	Hamilton
Bradbury	Hankamer
Bradford	Hardeman
Bray	Hardin
Bridgers	Harp
Broadfoot	Harper
Brown of Cherokee	Harrell of Bastrop
Brown	Harrell of Lamar
of Nacogdoches	Harris
Bundy	Hartzog
Burkett	Holland
Burney	Howington
Celaya	Hull
Chambers	Hunt
Clark	Isaacks
Cleveland	Johnson of Ellis
Cockrell	Johnson of Tarrant
Coleman	Keith
Colquitt	Kennedy
Colson, Mrs.	Kern
Cornett	Kerr
Corry	Kersey
Crossley	Kinard
Daniel	King
Davis of Upshur	Lehman
Dickison	Leyendecker
Donaghey	Little

Lock	Schuenemann
Loggins	Segrist
London	Shell
Mays	Skiles
McAlister	Smith of Frio
McDaniel	Smith of Hopkins
McDonald	Smith
McFarland	of Matagorda
McMurry	Spencer
McNamara	Stinson
Mohrmann	Stoll
Monkhouse	Talbert
Montgomery	Tarwater
Morris	Taylor
Newell	Tennant
Nicholson	Thornberry
Oliver	Thornton
Olsen	Turner
Pace	Vale
Petsch	Vint
Pevehouse	Voigt
Piner	Waggoner
Ragsdale	Weldon
Reader of Bexar	Wells
Reader of Erath	White
Reaves	Wilson
Reed	Winfree
Rhodes	Wood
Roach	Worley
Robinson	Wright
Russell	

Nays—1

Roberts

Present—Not Voting

Westbrook

Absent

Cauthorn	Dickson
Davis of Jasper	Heflin
Dean	Langdon

Absent—Excused

Derden	Pope
Howard	Riviere

HOUSE BILL NO. 71 ON SECOND READING

Mr. Dickison moved that all necessary House Rules, and the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 71 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—132

Allison	Bailey
Alsup	Baker
Anderson	of Fort Bend

Baker of Grayson	King
Bell	Langdon
Blankenship	Lehman
Bond	Little
Boyd	Lock
Boyer	Loggins
Bradbury	London
Bradford	Mays
Bray	McAlister
Bridgers	McDaniel
Brown of Cherokee	McDonald
Brown	McFarland
of Nacogdoches	McMurry
Bundy	McNamara
Burkett	Mohrmann
Burney	Monkhouse
Cauthorn	Montgomery
Chambers	Morris
Clark	Newell
Cleveland	Nicholson
Cockrell	Oliver
Coleman	Olsen
Colquitt	Pace
Colson, Mrs.	Petsch
Cornett	Pevehouse
Corry	Piner
Crossley	Ragsdale
Davis of Upshur	Reader of Bexar
Dickison	Reader of Erath
Dickson	Reaves
Donaghey	Rhodes
Dowell	Roach
Dwyer	Roberts
Faulkner	Robinson
Felty	Russell
Ferguson	Segrist
Fielden	Skiles
Fuchs	Smith of Frio
Galbreath	Smith of Hopkins
Gilmer	Smith
Goodman	of Matagorda
Gordon, Mrs.	Spencer
Hale	Stinson
Hamilton	Stoll
Hankamer	Talbert
Hardeman	Tarwater
Hardin	Taylor
Harp	Tennant
Harper	Thornberry
Harrell of Bastrop	Thornton
Harrell of Lamar	Turner
Harris	Vale
Hartzog	Vint
Howington	Voigt
Hull	Waggoner
Hunt	Weldon
Isaacks	Wells
Johnson of Ellis	Westbrook
Johnson of Tarrant	White
Keith	Wilson
Kennedy	Winfree
Kern	Wood
Kerr	Worley
Kersey	Wright
Kinard	

Present—Not Voting

Allen

Absent

Broadfoot

Holland

Celaya

Leyendecker

Daniel

Reed

Davis of Jasper

Schuenemann

Dean

Shell

Heflin

Absent—Excused

Derden

Pope

Howard

Riviere

The Chair then laid before the House, on second reading and passage to engrossment,

H. B. No. 71, A bill to be entitled "An Act regulating the election of judges and clerks and the appointment of supervisors; prescribing their number and rates of pay and the duties of supervisors in all elections for the election of officers in all cities in this State having a population in excess of two hundred thousand (200,000) and less than two hundred and sixty thousand (260,000) by the last preceding Federal Census or any future Federal Census; providing for its enforcement; providing for partial invalidity; repealing all the portions of laws, charter provisions and ordinances in conflict therewith; defining a local political party, and declaring an emergency."

The bill was read second time.

Mr. Anderson offered the following amendment to the bill:

Amend House Bill No. 71, page 5, line 25, by striking out all of Section 4.

ANDERSON,
DICKISON,
DWYER.

The amendment was adopted.

House Bill No. 71 was then passed to engrossment.

HOUSE BILL NO. 71 ON THIRD READING

The Chair then laid House Bill No. 71 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—132

Allen

Alsup

Allison

Anderson

Bailey	Kerr
Baker	Kersey
of Fort Bend	Kinard
Baker of Grayson	King
Bell	Langdon
Blankenship	Lehman
Bond	Little
Boyd	Lock
Boyer	Loggins
Bradbury	London
Bradford	Mays
Bray	McAlister
Bridgers	McDaniel
Brown of Cherokee	McDonald
Brown	McFarland
of Nacogdoches	McMurry
Bundy	McNamara
Burney	Mohrmann
Cauthorn	Monkhouse
Chambers	Montgomery
Clark	Morris
Cleveland	Newell
Cockrell	Nicholson
Coleman	Oliver
Colquitt	Olsen
Colson, Mrs.	Pace
Cornett	Pevehouse
Corry	Ragsdale
Crossley	Reader of Bexar
Daniel	Reader of Erath
Davis of Jasper	Reaves
Davis of Upshur	Reed
Dickison	Rhodes
Dickson	Roach
Donaghey	Roberts
Dowell	Robinson
Dwyer	Russell
Faulkner	Schuenemann
Felty	Segrist
Ferguson	Shell
Fielden	Skiles
Fuchs	Smith of Frio
Galbreath	Smith of Hopkins
Gilmer	Spencer
Goodman	Stinson
Gordon, Mrs.	Stoll
Hale	Talbert
Hamilton	Tarwater
Hankamer	Taylor
Hardeman	Tennant
Harp	Thornberry
Harper	Thornton
Harrell of Bastrop	Turner
Harrell of Lamar	Vale
Harris	Vint
Hartzog	Waggoner
Howington	Weldon
Hull	Wells
Hunt	Westbrook
Isaacks	White
Johnson of Ellis	Wilson
Johnson of Tarrant	Winfree
Keith	Wood
Kennedy	Worley
Kern	Wright

Present—Not Voting

Broadfoot

Absent

Burkett	Leyendecker
Celaya	Petsch
Dean	Piner
Hardin	Smith
Heflin	of Matagorda
Holland	Voigt

Absent—Excused

Derden	Pope
Howard	Riviere

HOUSE BILL NO. 201 ON SECOND READING

Mr. Wells moved that all necessary House Rules, and the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 201 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—139

Allen	Crossley
Allison	Daniel
Alsup	Davis of Jasper
Anderson	Davis of Upshur
Bailey	Dickson
Baker	Donaghey
of Fort Bend	Dowell
Baker of Grayson	Dwyer
Bell	Faulkner
Blankenship	Felty
Bond	Ferguson
Boyd	Fielden
Boyer	Fuchs
Bradbury	Galbreath
Bradford	Gilmer
Bray	Goodman
Bridgers	Gordon, Mrs.
Broadfoot	Hale
Brown of Cherokee	Hamilton
Brown	Hankamer
of Nacogdoches	Hardeman
Bundy	Hardin
Burkett	Harp
Burney	Harper
Cauthorn	Harrell of Bastrop
Chambers	Harrell of Lamar
Clark	Harris
Cleveland	Heflin
Cockrell	Holland
Coleman	Howington
Colquitt	Hull
Colson, Mrs.	Hunt
Cornett	Isaacks
Corry	Johnson of Ellis

Johnson of Tarrant	Reed
Keith	Rhodes
Kennedy	Roach
Kern	Roberts
Kerr	Robinson
Kersey	Russell
Kinard	Schuenemann
King	Segrist
Langdon	Shell
Lehman	Skiles
Leyendecker	Smith of Frio
Little	Smith of Hopkins
Lock	Smith
Loggins	of Matagorda
London	Spencer
McAlister	Stinson
McDaniel	Stoll
McDonald	Talbert
McFarland	Tarwater
McMurry	Taylor
McNamara	Tennant
Mohrmann	Thornberry
Monkhouse	Thornton
Montgomery	Turner
Morris	Vale
Newell	Vint
Nicholson	Voigt
Oliver	Waggoner
Olsen	Weldon
Pace	Wells
Petsch	Westbrook
Pevehouse	White
Piner	Wilson
Ragsdale	Winfree
Reader of Bexar	Wood
Reader of Erath	Worley
Reaves	Wright

Absent

Celaya	Hartzog
Dean	Mays
Dickison	

Absent—Excused

Derden	Pope
Howard	Riviere

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 201, A bill to be entitled "An Act to amend Section 1 of Article 2691B, Chapter XI, Title 49 of the Revised Statutes, as enacted by the First Called Session of the Forty-second Legislature, and being found in Acts of 1931, Chapter XXXIX, at page 83, by providing for the addition thereto of Lamar County, and declaring an emergency."

The bill was read second time.

On motion of Mr. Wells, unanimous consent was given to amend House

Bill No. 201, by adding an emergency clause to be known as:

"Sec. 2. The fact that under the present law, Lamar County is not included in the Act regulating School Supervisors creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

House Bill No. 201 was then passed to engrossment.

HOUSE BILL NO. 201 ON THIRD READING

The Chair then laid House Bill No. 201 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—135

Allen	Donaghey
Allison	Dwyer
Alsup	Faulkner
Anderson	Felty
Bailey	Ferguson
Baker	Fielden
of Fort Bend	Fuchs
Baker of Grayson	Galbreath
Bell	Gilmer
Blankenship	Goodman
Bond	Gordon, Mrs.
Boyd	Hamilton
Boyer	Hankamer
Bradbury	Hardeman
Bradford	Hardin
Bray	Harp
Bridgers	Harper
Broadfoot	Harrell of Bastrop
Brown of Cherokee	Harrell of Lamar
Brown	Harris
of Nacogdoches	Heflin
Burney	Holland
Cauthorn	Howington
Chambers	Hull
Clark	Hunt
Cleveland	Isaacks
Cockrell	Johnson of Ellis
Coleman	Johnson of Tarrant
Colquitt	Keith
Colson, Mrs.	Kennedy
Cornett	Kern
Corry	Kerr
Crossley	Kersey
Daniel	Kinard
Davis of Jasper	King
Davis of Upshur	Langdon
Dickson	Lehman

Leonard	Russell
Leyendecker	Schuenemann
Little	Segrist
Lock	Shell
Loggins	Skiles
London	Smith of Frio
McAlister	Smith of Hopkins
McDaniel	Smith
McDonald	of Matagorda
McFarland	Spencer
McMurry	Stinson
McNamara	Stoll
Mohrmann	Talbert
Monkhouse	Tarwater
Montgomery	Taylor
Morris	Tennant
Newell	Thornberry
Oliver	Thornton
Olsen	Turner
Pace	Vale
Petsch	Vint
Pevehouse	Voigt
Piner	Waggoner
Ragsdale	Weldon
Reader of Bexar	Wells
Reader of Erath	Westbrook
Reaves	White
Reed	Wilson
Rhodes	Winfree
Roach	Wood
Roberts	Worley
Robinson	Wright

Absent

Bundy	Dowell
Burkett	Hale
Celaya	Hartzog
Dean	Mays
Dickison	Nicholson

Absent—Excused

Derden	Pope
Howard	Riviere

MESSAGE FROM THE SENATE

Austin, Texas, January 30, 1939.

Hon. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. C. R. No. 23, Congratulating the University of Texas upon their splendid presentation of the play, "The American Way of Life", at the inaugural ceremonies on January 17, 1939.

Respectfully,

BOB BARKER,
Secretary of the Senate.

SPECIAL ORDER SET

Mr. Anderson moved that House Bill No. 228 be set as a special order for 11:00 o'clock a. m., next Friday.

The motion prevailed.

HOUSE BILL NO. 271 ON SECOND READING

Mr. Newell moved that all necessary House Rules, and the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 271 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—139

Allen	Dwyer
Allison	Faulkner
Alsup	Felty
Anderson	Ferguson
Bailey	Fielden
Baker	Fuchs
of Fort Bend	Galbreath
Baker of Grayson	Gilmer
Bell	Goodman
Blankenship	Gordon, Mrs.
Bond	Hale
Boyd	Hamilton
Boyer	Hankamer
Bradbury	Hardeman
Bradford	Harp
Bray	Harper
Bridgers	Harrell of Bastrop
Broadfoot	Harrell of Lamar
Brown of Cherokee	Harris
Brown	Hartzog
of Nacogdoches	Holland
Bundy	Howington
Burkett	Hunt
Burney	Isaacks
Cauthorn	Johnson of Ellis
Chambers	Johnson of Tarrant
Clark	Keith
Cleveland	Kennedy
Cockrell	Kern
Coleman	Kerr
Colquitt	Kersey
Colson, Mrs.	Kinard
Cornett	King
Corry	Langdon
Crossley	Lehman
Daniel	Leonard
Davis of Jasper	Leyendecker
Davis of Upshur	Little
Dickison	Lock
Dickson	Loggins
Donaghey	London
Dowell	McAlister

McDaniel	Shell
McDonald	Skiles
McFarland	Smith of Frio
McMurry	Smith of Hopkins
McNamara	Smith
Mohrmann	of Matagorda
Monkhouse	Spencer
Montgomery	Stinson
Morris	Stoll
Newell	Talbert
Nicholson	Tarwater
Oliver	Taylor
Olsen	Tennant
Pace	Thornberry
Petsch	Thornton
Pevehouse	Turner
Piner	Vale
Ragsdale	Vint
Reader of Bexar	Voigt
Reader of Erath	Waggoner
Reaves	Weldon
Reed	Wells
Rhodes	Westbrook
Roach	White
Roberts	Wilson
Robinson	Winfree
Russell	Wood
Schuenemann	Worley
Segrist	Wright

Absent

Celaya	Heflin
Dean	Hull
Hardin	Mays

Absent—Excused

Derden	Pope
Howard	Riviere

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 271, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts, and/or independent consolidated school districts which include within their limits a city or town which according to the last preceding Federal Census had a population of not fewer than four thousand one hundred thirty (4,130) and not more than four thousand one hundred eighty (4,180) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

MESSAGE FROM THE SENATE

Austin, Texas, January 30, 1939.

Hon. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 119, A bill to be entitled "An Act amending Article 7098, Revised Civil Statutes 1925, so as to place the State Treasurer on the State Tax Board, in place of the Tax Commissioner, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 43 ON SECOND READING

Mr. Petsch moved that all necessary House Rules, and the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 43 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—131

Allen	Colson, Mrs.
Allison	Cornett
Alsup	Corry
Anderson	Crossley
Bailey	Daniel
Baker	Davis of Jasper
of Fort Bend	Dickison
Baker of Grayson	Donaghey
Bell	Dowell
Blankenship	Dwyer
Bond	Faulkner
Boyd	Felty
Boyer	Ferguson
Bradbury	Felden
Bradford	Fuchs
Bray	Galbreath
Bridgers	Gilmer
Broadfoot	Goodman
Brown	Gordon, Mrs.
of Nacogdoches	Hale
Bundy	Hamilton
Burkett	Hankamer
Burney	Hardeman
Cauthorn	Hardin
Chambers	Harp
Clark	Harper
Cleveland	Harrell of Bastrop
Cockrell	Harrell of Lamar
Coleman	Hartzog
Colquitt	Heflin

Holland	Reader of Bexar
Howington	Reader of Erath
Hull	Reaves
Hunt	Reed
Isaacks	Rhodes
Johnson of Ellis	Roach
Johnson of Tarrant	Roberts
Keith	Robinson
Kennedy	Russell
Kern	Schuenemann
Kerr	Segrist
Kersey	Shell
Kinard	Skiles
King	Smith of Hopkins
Langdon	Smith
Lehman	of Matagorda
Leyendecker	Spencer
Little	Stinson
Lock	Stoll
Loggins	Talbert
London	Tarwater
McAlister	Taylor
McDaniel	Tennant
McDonald	Thornberry
McFarland	Thornton
McMurry	Turner
McNamara	Vale
Mohrmann	Vint
Monkhouse	Waggoner
Montgomery	Weldon
Morris	Wells
Oliver	White
Pace	Wilson
Petsch	Winfree
Pevehouse	Wood
Piner	Worley
Ragsdale	Wright

Nays—2

Brown of Cherokee Dickson

Absent

Celaya	Nicholson
Davis of Upshur	Olsen
Dean	Smith of Frio
Harris	Voigt
Mays	Westbrook
Newell	

Absent—Excused

Derden	Pope
Howard	Riviere

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 43, A bill to be entitled "An Act defining a Commercial Taxidermist, and providing a license for any person, firm or corporation operating as such; providing for disposition of moneys collected as license fees; permitting the sale of hides, antlers and hoofs of deer lawfully

killed in this State to Commercial Taxidermists; providing for the keeping of records by licensed taxidermists; repealing all laws in conflict with this Act; providing a suitable penalty for violation of any provision of this Act, declaring an emergency and the effective date of this Act."

The bill was read second time.

Question: Shall House Bill No. 43 pass to engrossment?

RELATIVE TO HOUSE CONCURRENT RESOLUTION NO. 25

Mr. Colquitt raised the following points of order, on further consideration of House Concurrent Resolution No. 25, introduced on last Thursday, January 26:

Mr. Speaker: I raise the point of order that H. C. R. No. 25 is out of order because it seeks to amend the statute by concurrent resolution. In support of this point of order, we cite Article 665, Custodianship of State Property.

We quote: "The State Board of Control shall have charge of all public buildings, grounds and property of the State, and is the custodian of all public personal property, and is charged with the responsibility to properly care for and protect such property from damage, intrusion, or improper usage. . . ."

H. C. R. No. 25 seeks by its terms to transfer this authority from the Board of Control to a new commission composed of the Chairman of the Board of Control, the Executive Secretary of the Commission for the Blind, and the Director of Vocational Rehabilitation of the State Department of Education. A careful reading of Arts. 665, Custodianship of State Property; 667, Charge of Capitol; and 668, Use of Capitol for Private Purposes, leaves no doubt as to this authority being vested by statute in the Board of Control, making it obvious that to change such would require a proper amendment and such could not be done by a concurrent resolution.

In further support of this point of order, we cite specifically Art. 668, which reads as follows: "No room, apartment or office in the State Capitol Building shall be used at any time by any person as a bed room or for any private purposes what-

ever. This article shall not apply to the rooms occupied by the judges of the Supreme Court and the Courts of Civil and Criminal Appeals on the third and fourth floors of the Capitol." We call particular attention to the language "for any private purposes whatever." No one would suggest that to allow a private person or concern to conduct a business for profit in the halls of the Capitol would not be a direct violation of this provision of the statute, and the repeal of such amendment could not be had by the passage of a concurrent resolution.

(Speaker in the Chair.)

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 76, to the Committee on Game and Fisheries.

Senate Bill No. 119, to the Committee on State Affairs.

ADJOURNMENT

On motion of Mr. Loggins, the House, at 12:25 o'clock p. m., adjourned until 11:00 o'clock a. m., tomorrow.

APPENDIX

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, January 26, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 24, Granting permission to each House to adjourn Thursday, January 26, 1939, to Monday, January 30, 1939.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

In Memory of Dr. Bradford Knapp

Mr. Allison offered the following resolution:

H. S. R. No. 100, In memory of Dr. Bradford Knapp.

Whereas, The House of Representatives has learned with regret of the death of Doctor Bradford Knapp, President of Texas Technological College since 1932, at his home in Lubbock, Texas, on June 11 last; and

Whereas, The death of this distinguished educator and citizen terminated a brilliant life of useful service and devotion to his State, the Nation, and the welfare of his fellow men, and especially to the agricultural development of the South; and

Whereas, Doctor Knapp was prominently associated with leading educational and agricultural organizations, and had served nearly six years as executive head of the State's third largest institution of higher learning and had previously served as President of Alabama Polytechnic Institute and the Agricultural and Mechanical College of Oklahoma, and had been a constructive leader in extension work among farmers, especially in the Southern States, and as college executive had been an inspiration to many of the youth of four of the Southern States and a recognized leader in social, economic, and civic affairs in each of the States in which he had lived; and

Whereas, A life of such distinguished and unselfish service deserves recognition and tribute from his fellow men; now, therefore, be it

Resolved by the House of Representatives, That the Members thereof deeply regret the passing of this noble, worthy, and constructive character, and that we extend our sincere sympathy to the surviving members of his family; and, be it further

Resolved, That when the House adjourns today, it does so in memory of Doctor Bradford Knapp, distinguished citizen and servant of the State of Texas, that a page of the Journal of today be dedicated to his memory, and that the Chief Clerk of the House of Representatives be instructed to send copies of this resolution to the family of Doctor Knapp.

ALLISON.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Harde-
man, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Spencer, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.